

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51711 of 2024

Arising Out of PS. Case No.-259 Year-2023 Thana- RAJEPUR District- East Champaran

Rambabu Prasad, aged about 25 years (M), S/o- Jogindra Bhagat @ Yogendra Bhagat, R/O Village- Madhuaha Vrit, P.S.- Rajepur, Dist- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Abhishek Kumar, Advocate
For the Opposite Party : Mr. Sucheta Yadav, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. The petitioner is apprehending his arrest in connection with Rajepur P.S. Case No. 259 of 2023 dated 03.11.2023 registered for the offences punishable under Sections 272, 273/34 of the I.P.C. and Sections 30(a), 32, 36 and 41(1) of the Bihar Prohibition and Excise (Amendment) Act, 2022.

3. As per the prosecution case, total 65.340 litres illicit foreign liquor was recovered from the *bush* kept in a *plastic bag*.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the



present case. It is submitted that no incriminating article has been recovered from the conscious possession of the petitioner. He was not arrested on the spot. The petitioner is not the owner of the *bush in question* from which the alleged illicit liquor was recovered. He has no concern with the alleged offence. It is further submitted that the other co-accused persons Pramod Ray, Naveen Ray, Bipin Kumar, Rambabu Ray and Surendra Ray have already been granted anticipatory bail by a Bench of this Court vide Cr. Misc. No. 3014 of 2024 under order dated 05.02.2024, annexed as Annexure-2 to the present bail application. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application.

5.Learned A.P.P. for the State has opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts and circumstances of the case, let the above named petitioner, in the event of his arrest/surrender before the learned court below within a period of six weeks from today, be enlarged on anticipatory bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Exclusive Special Excise Court No. 3, East Champaran at Motihari, in connection with Rajepur P.S. Case



No. 259 of 2023, subject to the condition as laid down under
Section 438(2) of the Cr.P.C.

7. The application stands allowed.

(Chandra Prakash Singh, J)

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